

## COMMONWEALTH WILL REST THIS MORNING

Practically All Evidence for Prosecution in Davenport Case is Before Jury.

### NO IMPORTANT FACT EXCLUDED

Three Handwriting Experts Say Davenport's Writing and That in Notes Found on Dead Man is the Same—Mittie Sanford Changes Her Testimony in Favor of Prisoner.

Practically all of the evidence for the commonwealth in the case of Andrew L. Davenport is in. One or two other witnesses will be put on the stand this morning, but it is probable that before noon the prosecution will rest and the defense will begin putting on its testimony.

Although the trial seemed to progress slowly yesterday, numerous witnesses were heard and ground was covered about as rapidly as any one expected. The commonwealth has now put before the jury nearly every bit of evidence that is in hand, in spite of many objections from the defense.

The chain of circumstantial evidence against the prisoner, as it has been presented to the jury, seems to be stronger than it was before the coroner's jury and the police court. Every fact of importance proven before the coroner and police justice has been brought out during this trial and in addition to this witnesses who had not been brought forward heretofore have given material testimony.

Up to this time nothing has been heard from the defense, therefore everyone interested in the case is waiting impatiently to see what will happen when the commonwealth rests its case.

When court adjourned yesterday afternoon at 5:30 o'clock, the jurors were turned over to Sergeant Milledge to spend their third night with him. The indications are that the sergeant will play the part of host again tonight, for it is hardly probable that the case will go to the jury before tomorrow.

#### Letter is Admitted.

Chief of Police Reynolds, who was testifying when court adjourned Saturday afternoon, resumed the stand yesterday morning. The chief said Saturday that he first suspected Davenport because of the similarity between the handwriting in a note written by Davenport to J. T. Newsome and the writing in the notes found upon the body of Willie Thomas. Mr. Collier objected to the introduction of the note to Newsome, claiming that it was a privileged communication from client to attorney. This point was argued and the judge took the question under consideration.

Yesterday morning Judge Barham admitted the note as evidence. In

addition to the similarity between the writing in this note and that in the notes found on the dead man, one of the notes written by the murderer and that written by Davenport both bore a peculiar flourish of the pen.

#### Arrested Davenport.

Chief Reynolds continued with his testimony. He said that acting upon the suspicion, he arrested Davenport, who had come to the station to attend the preliminary hearing of Sam Johnson, charged with the murder of Thomas. When searched Davenport was found to have a 38 calibre revolver in his pocket.

After making the arrest the chief went to Davenport's house and searched his effects. He found a Winchester 12 bore repeating shot gun, containing six shells. Some of the shells were loaded with number 7 shot and others with number 2 shot. The shot found in the wound in Thomas' back were number 2 and those in the wound in the face number 7. A number of letters found in the house were admitted as evidence for the purpose of comparing them with the notes on the body.

The shot gun, a bottle of ink and a pen were introduced as evidence.

#### Davenport's Statement.

Chief Reynolds said that Davenport told him that on the night of the murder he went to see a woman named Rose Bagley and remained there about two hours. Rose Bagley lives with Rob Glenn and his wife. Saturday both Glenn and the Bagley woman testified that Davenport was at their house before 8 o'clock. Rose Bagley said that as she was returning from choir practice she saw Davenport standing in his own door about 10 o'clock.

Chief Reynolds went on to say that the place where Thomas' body was found was almost on a line between Ida Ford's house and Davenport's house.

#### No Evidence Against Johnson.

On cross examination the chief said that Sam Johnson had been arrested for the murder of Thomas, but later was set free because there was no evidence against him.

Emily Bagley, a negro girl, was the next witness. She said she saw Davenport about 10 o'clock on the night of the murder. He was standing in his own door.

#### Davenport Paid for Insurance.

W. A. S. Adams, agent for the Metropolitan Life Insurance Company, said that he wrote the insurance policy for \$1,000 on Thomas' life. Davenport arranged for a meeting with Thomas and after going to Davenport's house three times the witness finally found there a man supposed to have been Thomas. The policy was made payable to Andrew L. Davenport, who said he was Thomas' uncle. Thomas paid \$1 at the time of making the application. Davenport afterwards paid the rest of the quarterly payment, \$1.86, saying that the money had been sent by Thomas. The witness never knew anything about Thomas and got all of his information from Davenport.

On cross examination the witness said that he had seen a negro named Whimbush and that he thought he was the man he took the insurance application from, although he could not swear to it.

#### Called Upon Agents.

S. W. Godwin, local manager of the Metropolitan Company, testified that Davenport came to his office in December and asked him to send an agent to 2910 Oak avenue (Davenport's home) to write an insurance policy for a man named Thomas. A. L. Dudley, assistant superintendent of the Metropolitan company, said that Davenport came to his office on November 14 and made application for insurance. Later he came to the office and asked that Mr. Adams be sent to write a policy for his nephew. Afterward Davenport withdrew the application for insurance upon his own life.

#### Davenport Knew of Killing.

Jesse Booker, one of the negroes named in the note found on the dead man, testified that he saw Davenport about 10 minutes to 11 o'clock at Twenty-ninth street and Chestnut avenue on the night of the killing. Davenport told him that there was a dead man up the street. He said the man looked like he had been killed or had committed suicide.

When this witness left the stand court took a recess until 2:30 o'clock.

#### Mittie Sanford.

Mittie Sanford, the young woman who lived with Davenport, identified several letters which she had received from the prisoner. She said that Willie Thomas frequently visited Davenport and was there on the Sunday night before he was killed. She also knew Willie Whimbush and he was not the man examined for life insurance.

On the night of the killing, the witness said, Davenport went out between 7 and 8 o'clock. He came back and went out again and did not return until late. He said that he was in the house as late as 9 o'clock before going out the second time. He had a sick child and paid

## INVESTIGATION DELAYED

Supt. Morton Wanted to Examine the Appeals.

### STUDENTS RELATIVES INDIGNANT

They Think Committee of Board Should Meet With Doors Open and Dispose of Case Without Waiting for Further Preparation.

The rules and regulations committee of the school board met at the High school building last night for the purpose of investigating the appeal of the four High school students recently disciplined by the faculty for entering the principal's office at night.

All of the boys, accompanied by relatives and friends, were present. Half a dozen witnesses who had been summoned to testify were also on hand at 8 o'clock, the hour set for the meeting.

Just before the meeting the written appeals of the students were handed to Superintendent of Schools Morton, in accordance with the school rules. The committee then went into executive session, excluding all of the interested parties, the witnesses and the newspaper reporters.

A few minutes later the doors were opened and the committeemen came out of the assembly hall, saying "It's all over." When asked what had been done, Dr. W. F. Cooper, chairman of the committee, said "Nothing." It will be taken up at a later meeting. Messrs. Harrison and Phillips, the other members of the committee, had nothing to say on the subject.

Superintendent Morton stated to a Daily Press reporter that he asked that the investigation go over because he did not receive the appeals until just before the meeting began. He said that he did not know what the papers contained and did not wish to submit them to the committee without looking them over. The rules say that the appeal shall come to the committee and Superintendent.

Mr. R. W. Perkins, father of young Robert Perkins, one of the four boys, as well as Messrs. P. W. Hiden and H. K. Valden, brothers of Martin Hiden and A. S. Valden, were indignant over the actions of the committee and superintendent Morton. They think the meeting should have been open and that Prof. Morton had no right to ask that the investigation be postponed.

#### Debate Postponed.

The debate on the question, "Resolved, That the Ship Subsidy Would be of Benefit to the American Nation," scheduled to take place at the Young Men's Christian Association last night was postponed on account of the enforced absence of Mr. T. M. Bigger, who is serving on the Davenport jury. Mr. Bigger is to lead in the presentation of the negative side of the question.

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(Continued on Page Three)